



Senate Judiciary Committee Testimony SB 551

Thank you for the opportunity to speak and thank you Senator Schuitmaker for introducing this important legislation.

My name is Anita Clos. I am here today speaking on behalf of the National Association of Social Workers – Michigan Chapter (NASW – Michigan) as Board Secretary in support of Senate Bill 551 (S-1) Draft 2. NASW is aware that many interests have been involved in getting this bill to this point and we appreciate your efforts. I'll briefly comment on why the NASW Michigan social workers support this bill.

The need for this modification to EPIC (Estates and Protected Individuals Code) first came to my attention approximately five years ago. As the manager of the Office of Decedent Affairs at the University of Michigan Health System, I had been asked to contact next of kin in order to gain permission for an autopsy and to release a patient to a funeral home. This case came to our office because this patient—elderly and chronically ill for quite some time prior to death—was not married and had no children. The patient did, however, have a significant other who had acted as Medical Power of Attorney for many years including up to the time of death. However, because they were not legally married, we were unable to accept this person's consent for after-death care.

I spent considerable time tracking down the patient's next of kin, as they were all quite elderly. I did finally reach a sibling in Texas and he gave permission. He did, however, also give his perspective and outrage that any hospital would disrespect someone's caregiver/significant other at the time of their loss, and deny them the right to continue to consent for care for the patient.

I was quite moved by the brother's comments and it struck me that in the State of Michigan, we currently allow any adult to give their decision making authority to another adult – relative or not – for their health care treatment while they are ALIVE but not when they are DEAD.

I began to raise this issue in other areas and NASW – Michigan agreed to assist. The need that we see recurring at UMHS appears to be related to several issues—a significant one being the increase of older adults outliving their next of kin, including children. It is also triggered by family issues—relationship breakdowns, divorce, geographical distances, unmarried couples, even relatives that may be concerned but be emotionally or cognitively unable to assume these responsibilities.

As currently written, our state law creates obstacles for health care providers but—most importantly—for individuals who put their heart into caring for a loved one and then are set aside—and possibly excluded.

I appreciate your time and consideration. I will take any questions you might have. Thank you.